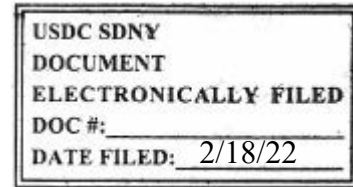




February 17, 2022

**VIA ECF**

Honorable Judge Alison J. Nathan, U.S.D.J.
 United States District Judge
 Thurgood Marshall United States Courthouse
 40 Foley Square
 New York, NY 10007

Re: Caption: Western Waterproofing Company d/b/a Western Specialty Contractors v. Zurich American Insurance Company, et al.
Civil Action No.: 1:20-cv-3199-AJN
Related Action: 1:19-cv-6386-AJN

Dear Judge Nathan:

This firm represents Plaintiff, Western Waterproofing Company, Inc. d/b/a Western Specialty This firm represents Plaintiff, Western Waterproofing Company, Inc. d/b/a Western Specialty Contractors (“Western”). On behalf of Western and all parties to this action, we respectfully submit this letter requesting (a) a brief extension of time for opposition to Western’s Motion to Certify February 3, 2022 Opinion & Order for Interlocutory Appeal Pursuant to 28 U.S.C. § 1292(b) [Dkt. 215-17] (“Western’s Motion”), and (b) additional time to comply with Your Honor’s order that, within two weeks of the February 3, 2022 Opinion & Order the parties “submit a proposed case management plan and a joint letter proposing next steps in the litigation” [Dkt. 210].

On February 14, 2022, Western filed its Motion . Under Local Rule 6.1(b)(2), “any opposing affidavits and answering memoranda shall be served within fourteen days after service of the moving papers,” and, under 6.1(b)(3), “any reply affidavits and memoranda of law shall be served within seven days after service of the answering papers.”

Today, certain parties requested consent to seek a two-week adjournment of the Rule 6.1(b) deadline to respond to Western’s Motion to March 14, 2022. All parties consent to this adjournment. In the interest of judicial economy, the parties further request that the deadline for the ordered proposed case management plan and joint letter be postponed until two weeks from the date Your Honor has ruled on Western’s Motion.¹

¹ Pursuant to the Court’s February 3, 2022 Order and Opinion, Plaintiff’s causes of action against Defendant Zurich American Insurance Company (“Zurich”) have been dismissed. As such, Zurich does not intend to participate in the proposal for the case management plan and joint letter regarding next steps in the litigation.

Honorable Judge Alison J. Nathan
United States District Judge
Page 2

Respectfully submitted,

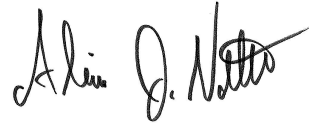
/s/ Melanie A. McDonald
Melanie A. McDonald

cc: All Counsel of Record (by ECF)

The Court GRANTS the parties' joint requests. Responses to Western's motion for interlocutory appeal shall be filed by March 14, 2022. Western's reply, if any, is due by March 21, 2022. The parties shall submit a proposed case management plan within two weeks of the Court's order resolving the motion for interlocutory appeal.

SO ORDERED.

2/18/22

Handwritten signature of Alison J. Nathan in black ink.